

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION Of:	)	Group Art Unit: Not yet assigned
	)	
Mario Bourdon, et al.	)	Examiner: Not yet assigned
	)	
U.S. Serial No.: 09/701,162	)	<u>Certificate of Express Mailing</u>
	)	
International Application No.: PCT/US98/257/91	)	I, Karyn F. Massie, hereby certify that this paper or fee is being
	)	deposited with the United States Postal Service as Express
	)	Mail, Mailing Label No. EV 092 575 105 US to Addressee
	)	service under 37 C.F.R. § 1.10 on the date indicated below and
	)	is addressed to: Assistant Commissioner for Patents, Box PCT,
Filed: November 22, 2000	)	Washington D.C. 20231, Attention: Office of PCT Legal
	)	Administration on October 31, 2002.
	)	
For: INHIBITION OF TUMOR GROWTH BY	)	By: <u>Karyn F. Massie</u>
MACROPHAGE INTERVENTION	)	Karyn F. Massie
	)	

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Attention: Office of PCT Legal Administration

TRANSMITTAL LETTER

Transmitted herewith for filing are the following:


1. Response to Notification of Defective Reply;
2. Fourth Renewed Petition Under 37 C.F.R. §1.47(a);
3. Copy of the Declaration and Power of Attorney for Patent Application;
4. Copy of the Notification of Defective Reply dated October 4, 2002; and
4. Return postcard.

Applicants believe that no fee is required. However, if any fees are required, please charge the requisite fee, as set forth in 37 C.F.R. § 1.17(h), for the filing of this transmittal letter with accompanying documents to deposit account no. 03-3975, order no. 051503/0278735. A duplicate of this transmittal letter is enclosed for accounting purposes.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: 10-31-02

  
Robert M. Bedgood  
Reg. No. 43,488

**Please send all correspondence to:**  
11682 El Camino Real, Suite 200  
San Diego, CA 92130  
Telephone: (619) 234-5000  
Facsimile: (858) 509-4010  
Direct Line: (858) 509-4065

Certificate of Express Mailing Under 37 C.F.R. §1.10

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being mailed via "Express Mail Post Office to Addressee" service of the United States Postal Services (**Express Mail Label No. EV 092 575 105 US**) on the date shown below in an envelope addressed to the Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Box PCT, Washington D.C., 20231, Attention: PCT Legal Administration.

Dated: 10/31/02 By: Karyn F. Massie  
Karyn F. Massie

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION OF

PCT Administration

Mario Bourdon, et al.

Group Art Unit: Not Yet Assigned

Application No. 09/701,162

Examiner:

Filed: November 22, 2000

Title: INHIBITION OF TUMOR GROWTH BY MACROPHAGE INTERVENTION

\* \* \* \* \*

**RESPONSE TO NOTIFICATION OF DEFECTIVE REPLY**

Assistant Commissioner for Patents

Box PCT

Washington D.C. 20231

Attn: PCT Administration

Sir:

In response to the Notification of Defective Reply dated October 4, 2002, attached are the executed inventor Declarations complying with 37 C.F.R. §1.497(a) and (b), and a Fourth Renewed Petition Under 37 C.F.R. §1.47(a).

Having met the requirements of the October 4, 2002, Notification of Defective Reply, Applicants respectfully request that the attached Declarations be accepted and the Fourth Renewed Petition be granted in connection with the above-identified application.

Respectfully submitted,

Pillsbury Winthrop LLP

By:

Robert M. Bedgood  
Robert M. Bedgood  
Registration No. 43,488

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11682 El Camino Real, Suite 200  
San Diego, CA 92130



04 OCT 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Pillsbury Winthrop LLP  
Intellectual Property Group  
11682 El Camino Real  
Suite 200  
San Diego, CA 92130

In re Application of :  
BOURDON, Mario A., et al. :  
Application No.: 09/701,162 :  
PCT No.: PCT/US98/25791 :  
Int. Filing Date: 04 December 1998 :  
Priority Date: 05 December 1997 :  
Attorney Docket No.: LJIEM110-1 :  
For: INHIBITION OF TUMOR GROWTH :  
BY MACROPHAGE INTERVENTION :

NOTIFICATION

OF

DEFECTIVE REPLY

This Notification is in response to applicants' "Third Renewed Petition Under 37 CFR §1.47(a)" filed in the United States Patent and Trademark Office (USPTO) on 21 June 2002.

The Notification of Defective Reply mailed 12 July 2002 is **VACATED**. It indicated that applicants had submitted only a single page 2. By the time the Notification had been mailed, but before the submission was matched with the file, applicants submitted the instant response. As such, applicants had submitted more than a single page 2.

The submission of 21 June 2002 does not satisfy the requirements of 37 CFR 1.497(a)-(b). The declaration though comprised of 4 pages appears to be a composite declaration. The inventors originally executed on two separate copies of a declaration that was originally faxed. The replacement page two is not similarly faxed. Additionally, the facsimile heading on the originally executed sheets of the declaration were removed with the current submission. The declaration may not be altered in any form, however minor, subsequent to its execution by the inventors. Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and to state that the declaration submitted is the declaration as executed by the inventors.

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within a time limit of **ONE (1) MONTH** from the mail date of this Notification or within the time remaining in the response set forth in the Decision on Petition Under 37 CFR 1.47(a) mailed on 26 April 2002, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136(a), but the period for response set in the Decision on Petition may be extended up to a maximum of five months. **FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.** Any request for reconsideration of this decision should include a cover letter entitled "Response to Notification of Defective Response."

RECEIVED

OCT 17 2002

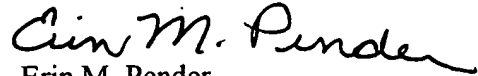
PILLSBURY WINTHROP LLP

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Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the Office of PCT Legal Administration.



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